

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

IN RE: **SAMUEL BENJAMIN MUNOZ AVILA**

Debtor(s)

CASE NO: **14-08466-MCF****Chapter 13****TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

\*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO\***Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$132.00** Outstanding (Through the Plan): **\$2,868.00**

\*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor(s) Income is (are) ☒ Under ☐ Above Median IncomeLiquidation Value: **\$0.01**Commitment Period is ☒ 36 months ☐ 60 months §1325(b)(1)(B) General Unsecured Pool: **\$0.00**With respect to the (amended) Plan date: Oct 14, 2014 (Dkt 2) Plan Base: **\$9,380.00**The Trustee: ☐ DOES NOT OBJECT ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: **0.00 %**

The Trustee objects to confirmation for the following reasons:

**[1325(a)(4)] Plan fails Creditors Best Interest Test.**

Debtor failed to provide a value to residential property located at Sumido Ward Quebrada Sector Cayey, listed in Schedule A. Debtor debtor executed a sales option contract ("Promesa de Compraventa") where he, apparently, transferred said property to Hector Luis Zayas Diaz and Carmen Iris Vega, for the price of \$15,000, the assumption of the mortgage loan on this property, and the promise to execute a sales deed in five years. The property, however, is recorded under Debtor's name, and there is no evidence that mortgage creditor accepted the transfer of debt. Furthermore, the plan provides for maintaining direct mortgage payments. In light of this, said is property of the estate.

**[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.**

Plan fails to provide for the payment of secured arrears to Banco Popular de Puerto Rico (mortgage creditor).

**[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to pay 100% of [507] priority claims. [1322(d)(1)]**

Plan is insufficiently funded to pay priority claims in this case. Debtor has objected Claim 1 filed by ASUME. Even if the objection is granted, the plan would be insufficiently funded.

**[1325(a)(8)] DSO Payment Default – Debtor(s) is in default with postpetition DSO payments.**

Debtor has failed to submit evidence of being current with his Domestic Support Obligation payments.

**\*OTHER COMMENTS / OBJECTIONS**

Debtor has failed to make proper amendments that reflect that mortgage creditor is Banco Popular de Puerto Rico, and not Banco Santander as stated in the bankruptcy documents.

**CERTIFICATE OF SERVICE.** The Chapter 13 Trustee herewith certifies that a copy of this motion has

/s/ Jose R. Carrion, Esq.  
**CHAPTER 13 TRUSTEE**  
PO Box 9023884, San Juan PR 00902-3884  
Tel. (787)977-3535 Fax (787)977-3550

Date: March 05, 2015

/s/ Alexandra Rodriguez, Esq.

Last Dkt.: 17  
Last Claim: 3